
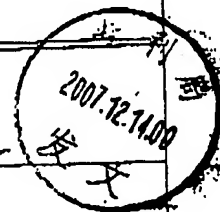




# 中华人民共和国国家知识产权局

100097 北京市海淀区紫竹院路 116 号嘉豪国际中心 B 座 11 层 北京金信立方知识产权代理有限公司 商霆	发文日
申请号: 2003801002292	
申请人: LG 电子有限公司	
发明名称: 具有管理多成分数据重现的数据结构的记录介质及记录和重现的方法和装置	



## 第一次审查意见通知书

(进入国家阶段的 PCT 申请)

1. ☒ 应申请人提出的实审请求, 根据专利法第 35 条第 1 款的规定, 国家知识产权局对上述发明专利申请进行实质审查。

☐ 根据专利法第 35 条第 2 款的规定, 国家知识产权局专利局决定自行对上述发明专利申请进行审查。

2. ☒ 申请人要求以在:

KR 专利局的申请日 2002 年 11 月 20 日为优先权日,  
专利局的申请日 年 月 日为优先权日,  
专利局的申请日 年 月 日为优先权日。

3. ☐ 申请人于 年 月 日和 年 月 日以及 年 月 日提交了修改文件。  
经审查, 申请人于 年 月 日提交的 不符合专利法实施细则第 51 条第 1 款的规定。

- ☐   
4. ☒ 审查是针对原始提交的国际申请的中文译文进行的。

☐ 审查是针对下述申请文件进行的:

☐ 说明书 第 页, 按照进入中国国家阶段时提交的国际申请文件的中文文本;  
第 页, 按照专利性国际初步报告附件的中文文本;  
第 页, 按照依据专利合作条约第 28 条或 41 条规定所提交的修改文件;  
第 页, 按照依据专利法实施细则第 51 条第 1 款规定所提交的修改文件;  
第 页, 按照 年 月 日所提交的修改文件。

☐ 权利要求 第 项, 按照进入中国国家阶段时提交的国际申请文件的中文文本;  
第 项, 按照依据专利合作条约第 19 条规定所提交的修改文件的中文文本;  
第 项, 按照专利性国际初步报告附件的中文文本;  
第 项, 按照依据专利合作条约第 28 条或 41 条规定所提交的修改文件;  
第 项, 按照依据专利法实施细则第 51 条第 1 款规定所提交的修改文件;  
第 项, 按照 年 月 日所提交的修改文件。

☐ 附图 第 页, 按照进入中国国家阶段时提交的国际申请文件的中文文本;  
第 页, 按照专利性国际初步报告附件的中文文本;  
第 页, 按照依据专利合作条约第 28 条或 41 条规定所提交的修改文件;  
第 页, 按照依据专利法实施细则第 51 条第 1 款规定所提交的修改文件;  
第 页, 按照 年 月 日所提交的修改文件。

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2006.7



国函请寄: 100088 北京市海淀区蓟门桥西土城路 6 号 国家知识产权局专利局受理处收  
(注: 凡寄给审查员个人的信函不具有法律效力)

수신시각 1월 4일 6:10PM



☒ 本通知书引用下述对比文件(其编号在今后的审查过程中继续沿用):

编号

文件号或名称

公开日期(或抵触申请的申请日)

1

CN1251461A

2000-4-26

5. 审查的结论性意见:

☒ 关于说明书:

☐ 申请的内容属于专利法第 5 条规定的不授予专利权的范围。

☐ 说明书不符合专利法第 26 条第 3 款的规定。

☐ 说明书不符合专利法第 33 条的规定。

☒ 说明书的撰写不符合专利法实施细则第 18 条的规定。

☒ 说明书的撰写不符合专利法实施细则第 19 条的规定。

☒ 关于权利要求书:

☒ 权利要求 23-26 不具备专利法第 22 条第 2 款规定的新颖性。

☐ 权利要求 不具备专利法第 22 条第 3 款规定的创造性。

☐ 权利要求 不具备专利法第 22 条第 4 款规定的实用性。

☐ 权利要求 属于专利法第 25 条规定的不授予专利权的范围。

☐ 权利要求 不符合专利法第 26 条第 4 款的规定。

☐ 权利要求 不符合专利法第 31 条第 1 款的规定。

☐ 权利要求 不符合专利法第 33 条的规定。

☐ 权利要求 不符合专利法实施细则第 2 条第 1 款的规定。

☐ 权利要求 不符合专利法实施细则第 13 条第 1 款的规定。

☒ 权利要求 1-22 不符合专利法实施细则第 20 条的规定。

☐ 权利要求 不符合专利法实施细则第 21 条的规定。

☐ 权利要求 不符合专利法实施细则第 22 条的规定。

☐ 权利要求 不符合专利法实施细则第 23 条的规定。

☐ 分案的申请不符合专利法实施细则第 43 条第 1 款的规定。

上述结论性意见的具体分析见本通知书的正文部分。

6. 基于上述结论性意见, 审查员认为:

☐ 申请人应按照通知书正文部分提出的要求, 对申请文件进行修改。

☒ 申请人应在意见陈述书中论述其专利申请可以被授予专利权的理由, 并对通知书正文部分中指出的不符合规定之处进行修改, 否则将不能授予专利权。

☐ 专利申请中没有可以被授予专利权的实质性内容, 如果申请人没有陈述理由或者陈述理由不充分, 其申请将被驳回。



7. 申请人应注意下述事项:

(1) 根据专利法第 37 条的规定, 申请人应在收到本通知书之日起的 4 个月内陈述意见, 如果申请人无正当理由逾期不答复, 其申请将被视为撤回。

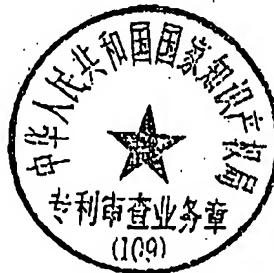
(2) 申请人对其申请的修改应符合专利法第 33 条的规定, 修改文本应一式两份, 其格式应符合审查指南的有关规定。

(3) 申请人的意见陈述书和 / 或修改文本应邮寄或递交国家知识产权局专利局受理处, 凡未邮寄或递交给受理处的文件不具备法律效力。

(4) 未经预约, 申请人和 / 或代理人不得前来国家知识产权局专利局与审查员举行会晤。

8. 本通知书正文部分共有 3 页, 并附有下列附件:

☒ 引用的对比文件的复印件共 1 份 32 页。



审查员: 傅健 (3633)

2007 年 11 月 28 日



审查部门

通信审查部

21302  
2008.7



回函请寄: 100088 北京市海淀区蓟门桥西土城路 6 号 国家知识产权局专利局受理处收  
(注: 凡寄给审查员个人的信函不具有法律效力)

수신시간 1월 4일 6:10PM

## 第一次审查意见通知书正文

申请号：2003801002292

本申请涉及一种具有管理记录在记录介质上的多成分数据的重现的数据结构的记录介质以及记录和重现的方法和装置。经审查，现提出如下的审查意见。

一、权利要求1-22不清楚，不符合专利法实施细则20条第1款的规定。

权利要求1要求保护一种记录介质，属于产品权利要求，应该用该产品本身所具有的结构特征对其进行具体限定，而对于主题为存储介质的产品权利要求而言，其结构特征在于记录介质本身的物理结构，比如形状、结构尺寸以及构成材料、组成部分等，但是当前权利要求限定的技术方案中的所有技术特征都是对于该盘上各区域及在各区域内记录的信息的限定，而不是对该记录介质本身物理结构的限定，致使上述权利要求技术方案的内容与其要求保护的主体不相符合，从而导致上述权利要求的保护范围不清楚，不符合专利法实施细则第20条第1款的规定。

基于相同的理由，权利要求2-22也没有对所保护的记录介质做出清楚的限定，因此同样不符合专利法实施细则20条第1款的规定。

审查员提醒申请人注意，由于在原说明书中并没有记载关于记录媒体的材料、形状、结构尺寸等技术特征，由此如果申请人把原权利要求修改为符合规定的新的权利要求，则会超出原说明书和权利要求书记载的范围，因此，审查员建议申请人把这些权利要求删除（仅供申请人参考）。

二、对其他权利要求的评述。

1. 权利要求23不具备专利法第22条第2款规定的新颖性。

对比文件1（CN1251461A，以下简称为D1）公开了一种用来记录视频数据、音频数据和代表与所述视频数据的主图像相叠加的子图像的图形数据的方法，并具体公开了以下技术特征“一种用来记录视频数据、音频数据和代表与所述视频数据的主图像相叠加的子图像的图形数据的方法，包括：对包含视频和音频数据的主数据进行编码；对图形数据进行编码；多路复用所述编码的视频和音频数据以提供多路复用的主数据；在记录介质上记录所述图形数据（相当于辅成分数据的剪辑文件）和所述多路复用的主数据（相当于主成分数据的剪辑文件），而所述图形数据被记录在与主数据分离的至少一个文件中（相当于不交叉、相互分离）”（参见D1的摘要、权利要求14、说明书第2页第28行-第5页第21行，图1）。由此可见，D1已经公开了该权利要求的全部技术特征，两者的技术方案相同，且D1所公开的技术方案与该权利要求所要求保护

的技术方案同属于数据记录/再现这一技术领域，并能产生相同的分别记录/再现主数据与辅助数据的技术效果，因此该权利要求所要求保护的技术方案不具备新颖性。

2. 权利要求24不具备专利法第22条第2款规定的新颖性。

对比文件1 (CN1251461A, 以下简称为D1) 公开了一种用来从记录介质上再现数据的方法，并具体公开了以下技术特征“一种用来从记录介质上再现包括多路复用的音频和视频数据的主数据，以及代表与所述视频数据的主图像相叠加的子图像的图形数据的方法，包括：从记录介质读出主数据（相当于主成分数据的剪辑文件）；从记录介质读出作为一个与所述主数据分离（相当于不交叉、相互分离）的文件的图形数据（相当于辅成分数据的剪辑文件）；解码主数据和图形数据；将解码后的视频数据与图形数据相加以提供要被显示的复合视频”（参见D1的摘要、权利要求20、说明书第2页第28行-第5页第21行，图1）。由此可见，D1已经公开了该权利要求的全部技术特征，两者的技术方案相同，且D1所公开的技术方案与该权利要求所要求保护的技术方案同属于数据记录/再现这一技术领域，并能产生相同的分别记录/再现主数据与辅助数据的技术效果，因此该权利要求所要求保护的技术方案不具备新颖性。

3. 权利要求25不具备专利法第22条第2款规定的新颖性。

对比文件1 (CN1251461A, 以下简称为D1) 公开了一种用来记录视频数据、音频数据和代表与所述视频数据的主图像相叠加的子图像的图形数据的装置，并具体公开了以下技术特征“一种用来记录视频数据、音频数据和代表与所述视频数据的主图像相叠加的子图像的图形数据的装置，包括：在记录介质上写入/读取数据的光学头2；系统控制器17，系统控制器17控制装置的整个记录和再现操作；在记录操作时，对包含视频和音频数据的主数据进行编码；对图形数据进行编码；多路复用所述编码的视频和音频数据以提供多路复用的主数据；在记录介质上记录所述图形数据（相当于辅成分数据的剪辑文件）和所述多路复用的主数据（相当于主成分数据的剪辑文件），而所述图形数据被记录在与主数据分离的至少一个文件中（相当于不交叉、相互分离）”（参见D1的摘要、权利要求1、14、说明书第2页第28行-第5页第21行，图1）。由此可见，D1已经公开了该权利要求的全部技术特征，两者的技术方案相同，且D1所公开的技术方案与该权利要求所要求保护的技术方案同属于数据记录/再现这一技术领域，并能产生相同的分别记录/再现主数据与辅助数据的技术效果，因此该权利要求所要求保护的技术方案不具备新颖性。

4. 权利要求26不具备专利法第22条第2款规定的新颖性。

对比文件1 (CN1251461A, 以下简称为D1) 公开了一种用来从记录介质上再现数据的装置，并具体公开了以下技术特征“一种用来从记录介质上再现包括多路复用的

音频和视频数据的主数据，以及代表与所述视频数据的主图像相叠加的子图像的图形数据的装置，包括：在记录介质上写入/读取数据的光学头2；系统控制器17，系统控制器17控制装置的整个记录和再现操作：在再现操作时，从记录介质读出主数据（相当于主成分数据的剪辑文件）；从记录介质读出作为一个与所述主数据分离（相当于不交叉、相互分离）的文件的图形数据（相当于辅成分数据的剪辑文件）；解码主数据和图形数据；将解码后的视频数据与图形数据相加以提供要被显示的复合视频”（参见D1的摘要、权利要求9、20、说明书第2页第28行-第5页第21行，图1）。由此可见，D1已经公开了该权利要求的全部技术特征，两者的技术方案相同，且D1所公开的技术方案与该权利要求所要求保护的技术方案同属于数据记录/再现这一技术领域，并能产生相同的分别记录/再现主数据与辅助数据的技术效果，因此该权利要求所要求保护的技术方案不具备新颖性。

### 三、说明书中存在的问题。

1. 本申请的发明名称字数太多，不符合专利法实施细则第18条第1款的规定（参见审查指南第二部分第二章第2.2.1节）。申请人应当将发明名称限制在25个字以内。

2. 本申请的说明书文字部分提及的附图标记“J\_Flag”（见说明书第11页第19行-第12页第10行）与附图6中的“JU\_Flag”不一致，不符合专利法实施细则第19条第3款的规定。申请人应当对说明书或者附图进行修改，克服上述缺陷。

3. 附图7中“AV编码器”应为“AV编码器”。

申请人应当在本通知书指定的答复期限内对本通知书提出的问题逐一进行答复，必要时应修改专利申请文件，否则本申请将难以获得批准。申请人对申请文件的修改应当符合专利法第33条的规定，不得超出原说明书和权利要求书记载的范围。

申请人提交的修改文件应当包括：修改涉及部分的原文复印件，采用红色钢笔或红色圆珠笔在该复印件上标注出所作的增加、删除或替换；重新打印的替换页（一式两份），用于替换相应的原文。申请人应当确保上述两部分在内容上的一致性。

审查员：傅健

代码：3633



**PATENT OFFICE OF THE PEOPLE'S REPUBLIC OF CHINA**

Applicant:	LG ELECTRONICS INC.	Date of Issuing:
Agent:	NAN Ting	December 14, 2007
Application No:	200380100229.2	
Title of Invention:	RECORD MEDIUM HAVING DATA STRUCTURE FOR MANAGING REPRODUCTION OF MULTIPLE COMPONENT DATA RECORDED THEREON AND RECORDING AND REPRODUCING METHODS AND APPARATUSES	

**NOTIFICATION OF THE FIRST OFFICE ACTION**

(National phase of PCT application)

1. ☒ At the request for substantive examination, in accordance with the provisions of Paragraph 1 of Article 35 of the Patent Law of China, the Examiner proceeds with the examination as to substance of the above-identified patent application for invention.  
☐ In accordance with the provisions of Paragraph 2 of Article 35 of the Patent Law of China, the China Patent Office has, on its own initiative, decided to proceed with the examination as to substance of the above-identified patent application for invention.
2. ☒ Applicant claims the application dated November 20, 2002 when the previous application was filed with KR as the priority date,  
\_\_\_\_\_ when the previous application was filed with \_\_\_\_\_ as the priority date,  
\_\_\_\_\_ when the previous application was filed with \_\_\_\_\_ as the priority date.
3. ☐ The amended document(s) submitted on \_\_\_\_\_ is(are) not in conformity with the provisions of Paragraph 1 of Rule 51 of the Implementing Regulations of the Patent Law of China.  
☐
4. ☒ The examination is conducted on the basis of the initial application documents.  
☐ The examination is conducted on the basis of the following application documents:  
Description: pages \_\_\_\_\_, on the basis of the Chinese version of initially filed international application documents;  
pages \_\_\_\_\_, on the basis of the Chinese version of the attachment to the International Preliminary Examination Report;  
pages \_\_\_\_\_, on the basis of the amendment documents submitted according to Art. 28 and Art. 41 of PCT;  
pages \_\_\_\_\_, on the basis of the amendment documents submitted according to Rule 51 of the Implementing Regulations of the Patent Law of China.  
Claims: \_\_\_\_\_, based on the Chinese version of initially filed international application documents;  
\_\_\_\_\_, based on the Chinese version of the amendment documents submitted according to Art. 19 of PCT;

\_\_\_\_\_ on the basis of the Chinese version of the attachment to the International Preliminary Examination Report;

\_\_\_\_\_ on the basis of the amendment documents submitted according to Art. 28 and Art. 41 of PCT;

\_\_\_\_\_ on the basis of the amendment documents submitted according to Rule 51 of the Implementing Regulations of the Patent Law of China.

**Drawings:** pages: \_\_\_\_\_, on the basis of the Chinese version of initially filed international application documents;

pages \_\_\_\_\_, on the basis of the Chinese version of the attachment to the International Preliminary Examination Report;

pages \_\_\_\_\_, on the basis of the amendment documents submitted according to Art. 28 and Art. 41 of PCT;

pages \_\_\_\_\_, on the basis of the amendment documents submitted according to Rule 51 of the Implementing Regulations of the Patent Law of China.

☒ The present notification cites the following documents (of which the serial numbers continue to be used in the examination hereafter):

Code	Reference No. or Title	Publication Date (or Filing Date of Conflict Application)
I.	CN1251461A	April 26, 2000

#### 5. Conclusive opinion:

##### ☒ Regarding the Description

☐ The content of the application belongs to the scope of Article 5 of the China Patent Law which can not be granted.

☐ The Description is not conformity with the provisions of Paragraph 3 of Article 26 of the China Patent Law.

☐ The Description is not conformity with the provisions of Article 33 of the China Patent Law.

☒ The presentation manner of the Description is not inconformity with Rule 18 of the Implementing Regulations of the China Patent Law.

☒ The presentation manner of the Description is not inconformity with Rule 19 of the Implementing Regulations of the China Patent Law.

##### ☒ Regarding the Claims

☒ Claims 23-26 do not possess the novelty under Paragraph 2 of Article 22 of the China Patent Law.

☐ Claims \_\_\_\_\_ do not possess the inventiveness under Paragraph 3 of Article 22 of the China Patent Law.

☐ Claims \_\_\_\_\_ do not possess the practical applicability under Paragraph 4 of Article 22 of the China Patent Law.

☐ Claims \_\_\_\_\_ fall in the scope of Article 25 of the China Patent Law which can not be granted.

☐ Claims \_\_\_\_\_ do not meet the requirement of Paragraph 4 of Article 26 of the China Patent Law.

☐ Claims \_\_\_\_\_ do not meet the requirement of Paragraph 1 of Article 31 of the China Patent Law.

☐ Claims \_\_\_\_\_ do not meet the requirement of Article 33 of the China Patent Law.

☐ Claims \_\_\_\_\_ do not meet the requirement of Paragraph 1 of the Rule 13 of the Implementing Regulations of the China Patent Law.

☐ Claims \_\_\_\_\_ do not meet the requirement of Paragraph 1 of the Rule 2 of the Implementing Regulations of the China Patent Law.

☒ Claims 1-22 do not meet the requirements of Rule 20 of the Implementing Regulations of the China Patent Law.

☐ Claims \_\_\_\_\_ do not meet the requirements of Rule 21 of the Implementing Regulations of the China Patent Law.

☐ Claims \_\_\_\_\_ do not meet the requirements of Rule 22 of the Implementing Regulations of the China Patent Law.

☐ Claims \_\_\_\_\_ do not meet the requirements of Rule 23 of the Implementing Regulations of the China Patent Law.

Please refer to the text of the notification in detail for the above.

6. Based on the above conclusive opinion, the examiner holds that

☐ Applicant should amend the application documents according to the requirements set forth in the text of the notification.

☒ Applicant should state the reason that the application may be granted in his observation and make amendment to the unconformity to the laws as pointed out by the text of the notification, or no patent right for the application be granted.

☐ No any substantive contents to be granted are presented in the application. If the applicant does not submit his observation or his observation is not reasonable, the application will be rejected.

☐

7. The applicant shall pay an attention to the following:

(1) According to Article 37 of the China Patent Law, applicant should submit his observation within 4 months from the date he receives the notification. If, without any justified reason, the time limit for making a response is not met, the application will be deemed to be withdrawn.

(2) The amendments to the application documents should meet the requirement of Article 33 of the China Patent Law. The amendment text should be submitted in duplicate and the form thereof should comply with the relevant provisions of the Examination Guide.

(3) The observation and / or amendment documents should be mailed to or submitted directly to the Receiving Section of the China Patent Office, and the documents which were not mailed or directly submitted are of no legal effect.

(4) The applicant and / or attorney may not interview with the examiner without appointment.

8. The text of this notification consists of 3 pages, including the following annexes:

☒ 32 pages of 1 copy of the cited references.

☐

Examiner: FU Jian (3633) (seal)

November 28, 2007

Department of Examination

Telecommunications Examination Department



## **Text of the Notification of the First Office Action**

Application No.: 200380100229.2

The present application relates to a recording medium having a data structure for managing reproduction of multiple component data recorded thereon and recording and reproducing methods and apparatuses. The comments made after examination are as follows:

(I) Claims 1-22 are unclear and do not conform to the provisions of Paragraph 1 of Rule 20 of the Implementing Regulations of China Patent Law.

Claim 1 claims a recording medium, which belongs to product claims and should be specifically defined with the structure features of the product itself. For a product claim with a recording medium as its subject matter, its structure features include the physical structures of the recording medium itself, such as the shape, the structure size, the forming material and the component. However, all of the technical features in the technical solution defined by this claim are definitions of the areas of the disk and the information recorded in the respective areas, but not definitions of the physical structures of the recording medium itself, so the contents of the technical solution of the above claim are inconsistent with its claimed subject matter. Thus, this renders the protection scope of the above claim unclear and does not conform to the provisions of Paragraph 1 of Rule 20 of the Implementing Regulations of China Patent Law.

Based on the same reasons, claims 2-22 do not clearly define the claimed recording medium either, and so they do not conform to the provisions of Paragraph 1 of Rule 20 of the Implementing Regulations of China Patent Law either.

The applicant should note that since the initial description did not record the technical features regarding the material, the shape and the structure size, etc. of the recording medium, if the applicant amends the initial claims into new claims that conform to the provisions, it will go beyond the recordation scope of the initial description and claims. Therefore, the examiner suggests the applicant delete these claims (for the applicant's reference only).

### **(II) Comments on Other Claims**

1. Claim 23 does not possess the novelty as stipulated by Paragraph 2 of Article 22 of China Patent Law.

Reference document 1 (CN1251461A, hereinafter referred as D1) discloses a method for recording the audio data and video data and the graphics data representing sub images to be superposed with main images of said video data, and concretely discloses the following technical features: "a method for recording audio data and video data and the graphics data representing sub images to be superposed with main images of said video data, the method comprising: encoding the main data which includes video data and audio data; encoding the graphics data; multiplexing said encoded video and audio data to provide multiplexed main

data; recording said graphics data (corresponding to the clip file of the auxiliary component data) and said multiplexed main data (corresponding to the clip file of the main component data) on the recording medium, with said graphics data being recorded in at least one file separate from the main data (corresponding to non-interleaved)" (refer to the abstract, claim 14, line 28 of page 2 to line 21 of page 5 of the description and figure 1 of D1). It can be seen that D1 has disclosed all the technical features of this claim, and the two technical solutions are the same, and the technical solution disclosed by D1 and that claimed by this claim belong to the same technical field of data recording/reproducing, and they can produce the same technical effects of recording/reproducing main data and auxiliary data separately. Therefore, the technical solution claimed by this claim does not possess the novelty.

2. Claim 24 does not possess the novelty as stipulated by Paragraph 2 of Article 22 of China Patent Law.

Reference document 1 (CN1251461A, hereinafter referred as D1) discloses a method for reproducing data from a record medium, and concretely discloses the following technical features: "a method for reproducing main data comprising multiplexed audio data and video data and the graphics data representing sub images to be superposed with main images of said video data on a record medium, comprising: reading the main data (corresponding to the clip file of the main component data) on the record medium; reading the graphics data (corresponding to the clip file of the auxiliary component data) as a file separate from said main data (corresponding to non-interleaved) on the record medium; decoding the main data and the graphics data; combining the decoded video data and the decoded graphics data to provide the multiple video to be displayed" (refer to the abstract, claim 20, line 28 of page 2 to line 21 of page 5 of the description and figure 1 of D1). It can be seen that D1 has disclosed all the technical features of this claim, and the two technical solutions are the same, and the technical solution disclosed by D1 and that claimed by this claim belong to the same technical field of data recording/reproducing, and they can produce the same technical effects of recording/reproducing main data and auxiliary data separately. Therefore, the technical solution claimed by this claim does not possess the novelty.

3. Claim 25 does not possess the novelty as stipulated by Paragraph 2 of Article 22 of China Patent Law.

Reference document 1 (CN1251461A, hereinafter referred as D1) discloses an apparatus for recording audio data and video data and the graphics data representing sub images to be superposed with main images of said video data, and concretely discloses the following technical features: "an apparatus for recording audio data and video data and the graphics data representing sub images to be superposed with main images of said video data, comprising: an optical head 2 for writing/reading data on the record medium; a system controller 17 for controlling the whole recording and reproducing operations; and in a recording operation, encoding the main data comprising video data and audio data; encoding the graphics data; multiplexing said encoded video and audio data to provide multiplexed main data; and

recording said graphics data (corresponding to the clip file of the auxiliary component data) and said multiplexed main data (corresponding to the clip file of the main component data) on the record medium, with said graphics data being recorded in at least one file separate from the main data (corresponding to non-interleaved)" (refer to the abstract, claims 1 and 14, line 28 of page 2 to line 21 of page 5 of the description and figure 1 of D1). It can be seen that D1 has disclosed all the technical features of this claim, and the two technical solutions are the same, and the technical solution disclosed by D1 and that claimed by this claim belong to the same technical field of data recording/reproducing, and they can produce the same technical effects of recording/reproducing main data and auxiliary data separately. Therefore, the technical solution claimed by this claim does not possess the novelty.

4. Claim 26 does not possess the novelty as stipulated by Paragraph 2 of Article 22 of China Patent Law.

Reference document 1 (CN1251461A, hereinafter referred as D1) discloses an apparatus for reproducing data from a record medium, and concretely discloses the following technical features: "an apparatus for reproducing main data comprising multiplexed audio data and video data and the graphics data representing sub images to be superposed with main images of said video data on a record medium, comprising: an optical head 2 for writing/reading data on the record medium; a system controller 17 for controlling the whole recording and reproducing operations; and in a reproducing operation, reading the main data (corresponding to the clip file of the main component data) on the record medium; reading the graphics data (corresponding to the clip file of the auxiliary component data) as a file separate from said main data (corresponding to non-interleaved) on the record medium; decoding the main data and the graphics data; and combining the decoded video data and the decoded graphics data to provide the multiple video to be displayed" (refer to the abstract, claims 9 and 20, line 28 of page 2 to line 21 of page 5 of the description and figure 1 of D1). It can be seen that D1 has disclosed all the technical features of this claim, and the two technical solutions are the same, and the technical solution disclosed by D1 and that claimed by this claim belong to the same technical field of data recording/reproducing, and they can produce the same technical effects of recording/reproducing main data and auxiliary data separately. Therefore, the technical solution claimed by this claim does not possess the novelty.

### (III) Problems in the Description

1. The title of this application has too many words and does not conform to the provisions of Paragraph 1 of Rule 18 of the Implementing Regulations of China Patent Law (refer to Section 2.2.1 of Chapter 2 of Part 2 of the Guidelines for Examination). The applicant should limit the title of the invention within 25 Chinese words.

2. The reference sign "J\_Flag" mentioned by the literal part of the description (refer to line 19 of page 11 to line 10 of page 12 of the Chinese description, corresponding to line 21 of page 13 to line 9 of page 14 of the English description) is inconsistent with "JU\_Flag" in figure 6 in this application, and does not conform to the provisions of Paragraph 3 of Rule 19

of the Implementing Regulations of China Patent Law. The applicant should amend the description or the drawings to overcome the above defect.

3. *(This item relates to a typing error in the text of figure 7 which we can correct in the response.)*

The applicant should respond to the questions pointed out in this notification one by one before the response time limit set in this notification and may amend the application documents when necessary, otherwise this application is difficult to be granted. The amendments to the application documents should conform to the provisions of Article 33 of the China Patent Law and may not go beyond the recorded scope of the initial description and claims.

The applicant should submit the following amended documents: a copy of the part of the original documents involving the amendments in which the applicant should mark the addition, deletion or replacement with a red pen or a red ball pen; and reprinted replacement pages (two copies) for substituting the original documents. The applicant should ensure the consistency of the above mentioned documents in contents.

Examiner: FU Jian

Code: 3633